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EXAMINER	
NGUYEN, HANH N	
ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/072,343	SUDER ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2473	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *13,49,52 and 53* is/are allowed.

6)☒ Claim(s) *1-7,14-41,47,48,50 and 51* is/are rejected.

7)☒ Claim(s) *8-12, 42-46* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/5/09 have been fully considered but they are not persuasive.

On the Remark, page 13, Applicant argues the specification in page 9, lines 18-25; page 11, lines 11-14; page 14, lines 4-6 and lines 10-13 describes that DSP 801 is a circuitry in the IP telephone for throlling data sent from the first network device.

Examiner does not agree because:

Page 9, line 18-25 describes that the DSP 801 is a processor implemented within telephone 313 and performs tone generation, gain speaker phone algorithms and energy detection.

Page 11, lines 11-14 describes a process to be run within the DSP 801 of the telephone 313 to detect network congestion and notifies a throttling process via a congestion message.

Page 14, lines 4-6 describes the DSP 801 upon receipt of a congestion message, determine whether to switch to a QOS mode.

the specification cited by applicant does not fully or explictly describe a circuitry within the telephone device for throttling data sent from the first network device. Therefore, the 112 1st pragraph rejection is maintained.

Applicant argues Claims 9 and 10 depends on claim claim 8 which is allowable. Therefore, claims 9, 10 should be allowable. Examiner agrees to have claims 9, 10 allowable.

Applicant on page 14 argues that it is unreasonable to assert a router within IP network 102 is coupled to the network interface 202 which functions as a modem through the communication device 200.

Examiner does not agrees because from fig.2 in Hahn et al., network interface 202 is a modem (see col.4, lines 20-25) that is coupled to telephone device 200. Network 102 includes routers, border routers, gateways. Therefore, any router or gateway in the network 102 is considered by examiner as a network device because it is part of network 102 (see col.3, lines 18-25). Since the modem/network interface 202 is part of telephone 200 (see fig.2), therefeore, a network device such as router in network 102 is coupled to modem/network interface 202 through telephone 200. The router in network 102 will not couple to the modem 202 if it is not coupled to telephone 200.

Regarding claim 30, applicant on page 16 argues that hahn et al. does not disclose information that is communicated to and from communication device 200.

Since the claimed limitation does not distinguish " data" and " information" , therefore, the meaning of data and information is broadly intepreted. Examiner considers packet data as being sent from a network device such as a router in network 102 to modem 202 coupled to telephone 200 (see fig.1). Hahn in col.4, lines 20-26 and col.5, lines 7-15, within telephone 200, network interface 202 (a circuitry) receives time sensitive and /or real-time packets sent over network 102 (communicating information to telephone device).

Regarding claim 16 and 22, applicant argues on page 17 the combination of the references does not meet all of the limitations.

Examiner does not agrees because In claims 16, 22, Hahn et al. discloses the communication device 200 (see fig.2) can be any computing device including a PDA computer 200 (a work station) or a IP telephone 200 (see col.3, lines 25-28). Data packets may be sent from another communication device 200 (work station) to the communication device 200 (IP telephone) via modem 202 and IP network 102 (see co1.3, lines 30-40; transferring data from work station to the telephone, wherein the data sent from the work station is addressed for transmission to a network via the modem); communication device 200 that is IP telephone 200 transmits time-sensitive data and real-time data through network 102. The time-sensitive information as shown in col.2, lines 55-60 comprises audio, voice, video data (see co1.3, lines 32-37; communicating audio information between the telephone and the network). Hahn et al. does not disclose sufficitently throttling the data sent from the work station to the telephone to increase a rate of transfer of audio information during the communication step (In Lai et al., examiner considers server 206 in fig. 2 as a work station because the specification defines the work station as any network device that can transmit data to a network (see specification on page 6, lines 17-20). Lai et al. discloses, in fig.2, server 206 transmits non-voice data to client PC 202 via Internet network 204 (see co1.4, lines 20-30 and fig.3, steps 304, 306; transmitting data from a work station to the telephone). If the client PC 202 determines that more bandwidth is needed for voice

data to improve voice quality, the client PC 202 decreases bandwidth allocated for non-voice data by sending a lower transfer data rate input to the server 206 (see col.4, lines 40-50 and co1.1, lines 45-50; sufficiently throttling the data sent from the work station to the telephone to increase the transfer rate of audio information during the communication step). Therefore, it would have been obvious to one skilled in the art to use the teaching of Lai et al. with that of Hahn et al. to improve voice quality in VOIP network by reducing data transmission sent from the work station.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 30, 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 2, 30 and 35, the structure of IP telephone 313 described in specification (pages 9-11, and fig.2) does not disclose a circuitry in the IP telephone 313 for throttling data sent from the first network device. Applicant is required to show in the figures and the specification a circuitry in the telephone for throttling data sent from network.

Claims 4-12, 14, 15, 31-34 and 36-46 are rejected becausse they depend on claims 1, 2, 30 and 35 respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 3, 4, 5, 6, 7, 14, 15, 47, 48, 50, 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Hahn et al. (US Pat. 7,161,905 B1).

In claim 1, Hahn et al. discloses a network interface 202 functions as a modem (see fig.2, col.4; lines 20-25; a modem); the network interface is coupled to digital IP telephone 200 (see fig.2; the modem is coupled to a first telephone device). IP network 102 comprises routers that send packet to network interface 202 of the IP telephone 200 (see col.3; lines 18-23 and col.5, lines 7-12 and fig.2; a first network device coupled

to the modem through the first telephone device).The IP telephone 200 includes a host processor 204 that monitors the jitter buffer 214 for fullness. The processor 204 drops data packets sent from network 102 which comprises routers (it is noted that the specification on page 8, lines 10-15 defines " throttling data" as "discarding packets"; therefore, applicant is directed to see col.5, lines 5-40; fig.2 and fig.3, col.5, line 48 to col.6, line 40; the first telephone device includes first circuitry for throttling data sent from the first network device).

In claim 2, as shown in the rejection of claim 1, Hahn et al. already discloses a modem; a first telephony device coupled to the modem; a first network device coupled to the modem through the first telephony device, wherein the first telephony device includes first circuitry for throttling data sent from the first network device (see claim 1 above). Hahn et al. further discloses a router coupled between the first telephony device and the modem (see col.3, lines 18-24; routers in network 102 receives packets and sends the packet to IP telephone device 200); and a second network device coupled to the router through a second telephony device (see col.3, lines 18-25 and lines 35-40; IP network 102 comprises gateways (second network device), routers, or orther types of devices that transmit packets from another IP device 200), wherein the second telephony device includes second circuitry for throttling data sent from the second network device (see col.5, lines 5-40; fig.2 and fig.3, col.5, line 48 to col.6, line 40; The IP telephone 200 includes a host processor 204 that monitors the jitter buffer 214 for fullness. The processor 204 drops data packets sent from network 102 which comprises routers).

In claims 3, 14, Hahn et al. discloses router, modem, first telephone device and first network device are coupled to each other via a network (see fig.1 and fig.2, col.3, lines 18-25; the IP telephone 200 receives packet via modem 202 (see col.4, lines 20-25) from router in network 102).

In claims 4, 5, Hahn et al. discloses the network is a TCP/IP network (see col.3, lines 8-12; network 102 is IP network such as Internet); packet switch network (col.3, lines 8-12; network 102 is packet switch network such as ATM network).

IN claim 6, Hahn et al. discloses the first telephony device communicates using an IP protocol (col.3, lines 25-33, communication device 200 is IP telephone device and communicates voice traffic in VOIP format).

In claim 7, Hahn et al. discloses the first throttling circuit reduces a future amount of data from being transferred from the first network device if the amount of data exceeds a predetemlined threshold (see fig.2, col.5, lines 48-55, IP telephone 200 receives packets from network 102 which comprises routers and stores the received packets in jitter buffer 214. In col.5, lines 5-15 and col.6, lines 8-15 and lines 30-40; host processor 204 monitors the jitter buffer 214 to determine if the packets stored in the buffer exceed a predefined threshold. If so, host processor 204 drops packet).

In claim 15, Hahn et al. discloses the modem is coupled to a WAN (see col.4, lines 20-25; network interface 202 is a modem coupled to IP network 102 via link 112).

In claim 47, Hahn et al. discloses the data is sent from the first network device to the modem (see col.3, lines 18-25 and col.4, lines 20-25; modem 202 receives packet from routers in network 102).

In claim 48, Hahn et al. discloses the data is sent from the first network device to the modem (see col.3, lines 18-25 and col.4, lines 20-25; modem 202 receives packet from routers in network 102), and wherein the data sent from the second network device is sent to the modem (see col.3, lines 18-25 and col.4, lines 20-25; since network 102 comprises routers, border routers, gateways that send packets to modem 202 of telephone 200. Therefore, it is inherent that another second network device such as gateway or border router transmits packet to the modem 202 of telephone 200).

In claim 50, Hahn et al. discloses the modem is configured to be coupled to a network (see col. 4, lines 20-25; modem 202 is coupled to network 102 via link 112), wherein the telephone is coupled between the modem and the first network device (see col.3, linbes lines 18-25 and col.4, lines 20-25; the telephone 200 includes the modem 202 and is coupled to a router in network 102).

In claim 51, Hahn et al. discloses the first network device is only coupled to the network via the modem (see fig.1, col.3, lines 25-30; and col.4, lines 20-25; one of communication is device 200 is a computing device such as PDA 200, therefore, the PDA 200 is the first network device coupled to network 102 via its modem 202).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al. (US Pat. 7,161,905 B1).

In claim 30, Hahn et al. discloses a telephony device comprising: circuitry (see col.4, lines 15-25; IP telephone 200 comprises network interface 202) for communicating information to and from the telephony device (see fig.2, col.4, lines 15-26; network interface 202 receives real-time packets from IP telephone 200 for sending over IP network 102); a jitter buffer (see fig.2, jitter buffer 214); and circuitry for sufficiently throttling the data in response to a predetermined level being exceeded within the jitter buffer so that the communication of the information can be performed in real-time (see col.5, lines 7-22 and lines 35-40 and fig.3, col.6, lines 8-14 and lines 30-40; host processor 204 drops packets when the jitter buffer 214 is full or the number of packets in the jitter buffer 214 exceeds a predefined threshold. IN col.2, lines 50-60, the data transported in the system 100 is audio, voice, video, text that need to be dellivered in realtime). Hahn et al. discloses the telephone device 200 having an user interface 210 such as speaker for outputting information (see col.5, lines 1-10; transmission data through an output port of the telephone device).

Even though Hahn et al. does not disclose an input data port for receiving data, wherein the data is addressed for transmission to a location other than the telephony device, but

the IP telephone 200 of Hahn et al. has a handset (see fig.2) that receives input voice from a user (see Hahn in col.3, lines 25-30). Therefore, it would have been obvious to one skilled in the art that the handset IP telephone 200 of Hahn et al. should have an input port for receiving data addressed for transmission to another IP telephone device 200 via IP network 102.

IN claim 33, Hahn et al. discloses the first telephony device communicates using an IP protocol (col.3, lines 25-33, communication device 200 is IP telephone device and communicates voice traffic in VOIP format).

In claims 31, 34, Hahn et al. discloses the monitoring circuitry comprises a jitter buffer where the predetermined threshold is a predetermined level within the jitter buffer (see fig.2, col.4, lines 30-45; host processor 204 includes jitter buffer 214 that stores packets and sized dynamically).

In claim 32, Hahn et al. discloses communication device 200 is IP telephone . Therefore, it has a level 2 switching circuitry.

Claims 16-29, 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al. (US Pat. 7,161,905 B1) in view of Lai et al. (US Pat. 6,600,737 B1)

In claims 16, 22, Hahn et al. discloses the communication device 200 (see fig.2) can be a computer 200 (a work station) or a IP telephone 200 (see col.3, lines 25-28). Data packets may be sent from another communication device 200 (work station) to the communication device 200 (IP telephone) via modem 202 and IP network 102 (see col.3, lines 30-40; transferring data from work station to the telephone, wherein the data

sent from the work station is addressed for transmission to a network via the modem); communication device 200 that is IP telephone 200 transmits time-sensitive data and real-time data through network 102. The time-sensitive information as shown in col.2, lines 55-60 comprises audio, voice , video data (see col.3, lines 32-37; communicating audio information between the telephone and the network). Hahn et al. does not disclose sufficitently throttling the data sent from the work station to the telephone to increase a rate of transfer of audio information during the communication step (

In Lai et al. , examiner considers server 206 in fig. 2 as a work station because the specification defines the work station as any network device that can transmit data to a network (see specification on page 6, lines 17-20). Lai et al. discloses, in fig.2, server 206 transmits non-voice data to client PC 202 via Internet network 204 (see col.4, lines 20-30 and fig.3, steps 304, 306; transmitting data from a work station to the telephone). If the client PC 202 determines that more bandwidth is needed for voice data to improve voice quality, the client PC 202 decreases bandwidth allocated for non-voice data by sending a lower transfer data rate input to the server 206 (see col.4, lines 40-50 and col.1, lines 45-50; sufficiently throttling the data sent from the work station to the telephone to increase the transfer rate of audio information during the communication step). Therefore, it would have been obvious to one skilled in the art to use the teaching of Lai et al. with that of Hahn et al. to improve voice quality in VOIP network by reducing data transmission sent from the work station.

In claims 20, 21, Hahn et al. discloses the throttling step further comprises the step of monitoring an amount of the audio information being received by the telephone (see

col.5, lines 5-15; processor 204 monitors time-sensitive data stream such as voice, audio (see col.2, lines 55-60) received by IP telephone 200); and the monitoring step further comprises the step of monitoring a predetermined level within a jitter buffer (see col.5, lines 10-18 and col.6, lines 8-15; processor 204 also monitors over run condition in jitter buffer 214, wherein the overrun condition exists when number of packets in jitter buffer exceed a predefined threshold).

In claims 17, 18, Hahn et al. discloses the network is a TCP/IP network (see col.3, lines 8-12; network 102 is IP network such as Internet); packet switch network (col.3, lines 8-12; network 102 is packet switch network such as ATM network).

In claim 19, Hahn et al. discloses the first throttling circuit reduces a future amount of data from being transferred from the first network device if the amount of data exceeds a predetemlined threshold (see fig.2, col.5, lines 48-55, IP telephone 200 receives packets from network 102 which comprises routers and stores the received packets in jitter buffer 214. In col.5, lines 5-15 and col.6, lines 8-15 and lines 30-40; host processor 204 monitors the jitter buffer 214 to determine if the packets stored in the buffer exceed a predefined threshold. If so, host processor 204 drops packet).

In claim 28, Hahn et al. discloses the modem communicates the data and multimedia information to the WAN (see col.4, lines 20-27, modem 202 receives time sensitive information and real time packets sent over network 102).

IN claim 29, Hahn et al. discloses the router is coupled between the modem and telephone device (see IP network 102 has routers coupled network interface 202(modem) and another telephone 200(see fig.1). See col.3, lines 18-25.

In claim 25, 27, Hahn et al. discloses the network device is a work station (see col.3, lines 18-25; in the network 102, routers, gateways, IP switches are considered network devices because they send packets to communication device 200); and the telephone device is a digital telephone (see col.3, lines 24-26; communication device 200 is digital telephone).

In claim 26, Hahn et al. discloses communication device 200 is IP telephone.Therefore, it has a level 2 switching circuitry.

In claims 23, 24, Hahn et al. discloses the first throttling circuit reduces a future amount of data from being transferred from the first network device if the amount of data exceeds a predetemlined threshold (see fig.2, col.5, lines 48-55, IP telephone 200 receives packets from network 102 which comprises routers and stores the received packets in jitter buffer 214. In col.5, lines 5-15 and col.6, lines 8-15 and lines 30-40; host processor 204 monitors the jitter buffer 214 to determine if the packets stored in the buffer exceed a predefined threshold. If so, host processor 204 drops packet).
In claim 35, Hahn et al. discloses a system comprising: a wide area network ("WAN") ((see fig.1, packet network 102 and PSTN 108); a first modem for coupling to the WAN (see fig.2, col.4, lines 20-25; network interface 202 is a modem receives realtime packets from IP network 102); a first IP telephone coupled to the first modem (see fig.1,

col.4, lines 15-25;communication device 200 is IP telephone comprises a modem 202) ; a first network device coupled to the first modem via the first IP telephone so that data communicated between the first network device and the first modem is switched through the first IP telephone (see col.3, lines 18-40; routers in packet network 102 transmits packet to ip telephone 200 via modem 202. Modem 202 is coupled to links 112 to receive packet sent over IP network 102); and a second telephone coupled to the WAN (see fig.1, see col.2, lines 64-67;another IP telephone 200 coupled to IP network 102), wherein the first IP telephone includes circuitry for throttling the data communicated between the first network device and the first modem (see fig.2, col.5, lines 5-15 and col.6, lines 30-40; in the IP telephone 200, host processor 204 drops voip packets received from routers in IP network 102). Hahn et al. does not disclose increasing a bandwidth in a connection coupling the first IP telephone to the first modem.

Lai et al. discloses, in fig.2, server 206 transmits non-voice data to client PC 202 via Internet network 204 (see col.4, lines 20-30 and fig.3, steps 304, 306; transmitting data from a work station to the telephone). If the client PC 202 determines that more bandwidth is needed for voice data to improve voice quality, the client PC 202 decreases bandwidth allocated for non-voice data by sending a lower transfer data rate input to the server 206 (see col.4, lines 40-50 and col.1, lines 45-50; sufficiently throttling the data sent from the work station to the telephone to increase the transfer rate of audio information during the communication step). Therefore, it would have been obvious to one skilled in the art to use the teaching of Lai et al. with that of Hahn et al. to

improve voice quality in VOIP network by reducing data transmission sent from the work station.

In claim 38, Hahn et al. discloses a router coupling the first IP telephone to the first modem (see col.3, lines 18-24; router in packet network 102 transmits packet to IP telephone via modem 202).

In claim 39, hahn et al. discloses a third IP telephone coupled to the router (see col.2, lines 64-67; packet network 102 comprises routers (see col.3, lines 18-240 and connecting a plurality of communication devices 200 which are IP telephone. Therefore, a third IP telephone is included in the plurality of Ip telephone 200).

In claims 36, 37, 40, Hahn et al. discloses the multimedia information is communicated over the WAN between the first and the second IP telephones (see col.3, lines 35-40, and col.2, lines 55-60; IP telephone 200 receives packets sent through network 102 and the packets may come from another IP telephone 200. The packets comprises video, voicxe, audio, text and any type of information).

In claim 41, Hahn et al. discloses a second modem for coupling to the WAN (see fig.1, fig.2; col.3, lines 25-40 and col.2, lines 64-67; a second IP telephone 200 comprises a second modem 202 receiving packets from Packet network 102), wherein the second IP telephone is coupled to the second modem (see fig.2, see col.4, lines 20-25; second IP telephone 200 includes network interface 202 which is a modem); and a second network device coupled to the second modem via the second IP telephone (see col.3, lines 18-40; IP network 102 comprises routers, routing switches , Ip switches, gateways transmit data to modem 202 of IP telephone 200) so that data communicated between

the second network device and the second modem is switched through the second IP telephone (see col.3, lines 18-40; routers, IP switches, gateways in packet network 102 transmits packet to ip telephone 200 via modem 202. Modem 202 is coupled to links 112 to receive packet sent over IP network 102). Hahn et al. discloses the second IP telephone includes circuitry for throttling the data communicated between the second network device and the second modem (see fig.2, col.5, lines 5-15 and col.6, lines 30-40; in the IP telephone 200, host processor 204 drops voip packets received from routers in IP network 102). Hahn et al. does not discloseincrease a bandwidth in a connection coupling the second IP telephone to the second modem.

Lai et al. discloses, in fig.2, server 206 transmits non-voice data to client PC 202 via Internet network 204 (see col.4, lines 20-30 and fig.3, steps 304, 306; transmitting data from a work station to the telephone). If the client PC 202 determines that more bandwidth is needed for voice data to improve voice quality, the client PC 202 decreases bandwidth allocated for non-voice data by sending a lower transfer data rate input to the server 206 (see col.4, lines 40-50 and col.1, lines 45-50; sufficiently throttling the data sent from the work station to the telephone to increase the transfer rate of audio information during the communication step). Therefore, it would have been obvious to one skilled in the art to use the teaching of Lai et al. with that of Hahn et al. to improve voice quality in VOIP network by reducing data transmission sent from the work station.

Allowable Subject Matter

Claim 13 is allowed.

The following is an examiner's statement of reasons for allowance:

In claim 13, the prior art fails to disclose the mode level is a most aggressive mode, wherein the first throttling circuitry will throttle the future amount of data sent from the first network device at a highest level in response to the mode level being in the most aggressive mode.

Claims 8-12, 42-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8AM to 4:30PM. The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao, can be reached on 571 272 3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Primary Examiner, Art Unit 2473.